

REMARKS

Claims 1-11 and 13-22 are all the claims pending in this application.

Applicant herein amends claim 1 to include allowable subject matter from claim 12, and rewrites allowable claim 4 in independent form. Claim 12 is cancelled. Claim 22 is rewritten in independent form to conform with standard U.S. practice. No new matter has been added.

I. Rejections of Claims on Formal Matters

The Examiner rejected claims 10 and 22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant amends the phrase “third recess is to have the dummy function” in claim 10 to --third recess is adapted to have a dummy function--. Claim 22 is herein rewritten in independent form. In view of these amendments, Applicant respectfully requests the Examiner to withdraw this rejection.

II. Prior Art Rejections: 35 U.S.C. §102

The Examiner rejected claim 1 under 35 U.S.C. §102 as allegedly being anticipated by Almqvist (US 4,434,643). The Examiner rejected claims 1, 2, 6, and 22 under 35 U.S.C. §102b as allegedly being anticipated by Miller (US 3,748,889). The Examiner rejected claims 1, 2, 3, 9, and 22 under 35 U.S.C. § 102b as allegedly being anticipated by Rork (US 2,835,960). The Examiner rejected claims 1, 7, and 22 as allegedly being anticipated by Sipila (US 6,167,739). The Examiner rejected claims 1, 2, 6, and 22 under 35 U.S.C. §102e as allegedly being anticipated by Matsumoto (6,681,612). Applicant respectfully traverses the § 102 rejection of claims 1, 2, 3, 6, 9, and 22.

The following remarks are for independent claim 1 but apply by analogy to independent claim 22. Herein amended claim 1 requires:

wherein the metal plate is adapted to be a member incorporated in a liquid ejection head; and
wherein the first recess is adapted to be a first part of the member which is used to eject liquid from the liquid ejection head

None of the applied references teach or suggest at least the above identified features of claim 1, thus claim 1 is not anticipated. Accordingly, Applicant respectfully requests the Examiner to withdraw all rejections to independent claim 1 and its dependent claims 2, 3, and 6-11, and also to independent claim 22.

III. Prior Art Rejections: 35 U.S.C. §103

The Examiner rejected claims 3, 7, 8, 10 and 11 under 35 U.S.C. §103 as allegedly being anticipated by Matsumoto (6,681,612). Applicant respectfully traverses the § 103 rejection of claims 3, 7, 8, 10, and 11.

As discussed above, the multiplicity of applied references all fail to teach or suggest at least the subject matter of base claim 1. Matsumoto does not compensate for this deficiency. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings would not lead to the subject matter of independent claim 1 nor its dependent claims.

Applicant therefore respectfully requests the Examiner to withdraw this rejection of dependent claims 3, 7, 8, 10 and 11.

Further regarding claims 7, 8, and 10, Matsumoto does not teach or suggest that the varied spacing of the recesses¹ effects the width of the forging punches. For example, if the width (spacing) of the recesses between the forging punches were extremely wide or narrow, it would be of no consequence to the width of the first, second, or third forging punches. Matsumoto thus fails to teach “wherein a width dimension of each of the first forging punches is smaller than a width dimension of each of the second forging punches”, “wherein a width dimension of each of the first forging punches is identical with a width dimension of each of the second forging punches”, and “a plurality of third forging punches...wherein: a width dimension of each of the first forging punches is identical with a width dimension of each of the third forging punches”.

¹ See col. 4, lines 31-44.

Therefore, claims 7, 8, and 10 are not rendered obvious by Matsumoto for these reasons too, and Applicant respectfully requests the Examiner to withdraw this rejection.

IV. Allowable Subject Matter

Claims 4-5 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent.

Applicant herein rewrites claim 4 in independent form and amends claim 1 to include the subject matter of allowable claim 12. Thus, claims 4 and 5 are allowable.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited: If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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